

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1514-02  
Bill No.: HCS for HB 657  
Subject: Department of Corrections; Crimes and Punishment  
Type: Original  
Date: April 28, 2015

---

Bill Summary: This proposal requires first-time offenders of certain dangerous felonies to serve a minimum of 50% of their sentence.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	\$852,133	\$998,311	\$528,136
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$852,133</b>	<b>\$998,311</b>	<b>\$528,136</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the proposed bill would reduce the mandatory time served for the dangerous felonies of assault in the first degree and robbery in the first degree from eighty five percent of the sentence to fifty percent of the sentence. This would only apply to offenders with no previous commitments to the department of corrections. At present, the required percentage served drops to forty percent of sentence upon an offender reaching seventy years of age; this provision is unchanged by the current bill. For offenders in the category released before the end of their sentences, if they are returned to prison for a felony law violation, they are required to serve out the remainder of their sentence without eligibility for early release.

At present, there are a total of 1,848 offenders incarcerated with the Department of Corrections who have, as their most serious sentence, one of the above offenses. These offenders have no prior prison commitments, are subject to the eighty five percentage time served at present, are not currently over the age of seventy, and they will not attain seventy years of age before fifty percent of their sentences have been served. Of these offenders, 1105 would become eligible for parole before the end of FY 2016 with the passage of this bill, while only 211 would be eligible under current laws.

During fiscal year 2014, there were a total of 165 offenders without a prior DOC commitment sentenced to prison terms for committing (attempts, conspiracy omitted) the offenses covered by this bill. These offenders received an average sentence of 147.6 months. At present, these offenders would serve an average of 125.3 months in prison. Under this bill, the parole board could release an offender after 50% of the sentence is served, or an average of 73.8 months. If, instead, the parole board leaves offenders in prison until the conditional release date for which they will now be eligible, these offenders would serve an average of 109.4 months, a reduction of 15.9 months. It is difficult to accurately predict what actions the parole board will take when setting the release date of offenders who have committed serious violent offenses. For offenders serving time for serious violent offenses that are not statutorily defined dangerous felons the parole board often sets the release date above the guideline date. Thus, it would be unrealistic to predict that the parole board will always set the release date at the highest of the 50% minimum prison term or the guideline date. The impact statement is, therefore, using the conditional release date as a conservative estimate for the reduction in time served with implementation of this bill.

Approximately 51.6% of all first releases for offenders eventually return to prison after an average time in the field of approximately 18 months. Of those returned, approximately 47.2%

ASSUMPTION (continued)

are returned due to a law violation. These offenders would then be expected to serve out the remainder of their sentences. Thus, it is estimated that about 24.4% of released offenders will return to prison after approximately 18 months, and remain there for the duration of their sentences.

In the long term, the 165 new offenders each year will be represented by approximately 40 offenders who commit a new felony offense and return to prison and 125 offenders who receive a reduction of 15.9 months of time served. This is an annual reduction of 166 offenders per year ( $125 \times 15.9 / 12$ ). However, the 40 offenders who commit new felonies will actually serve a total of 4.2 more months under the new plan (about 18 months in the field compared to 147.6 - 125.3). These offenders represent an increase of 14 offenders per year. Thus, the estimated long term effect of this legislation would be a decrease of approximately 152 offenders per year, or a total of 1520 bed years during the next 10 fiscal years. Exact estimates for the change in DAI and Parole Populations may be found in bold at the bottom of the table.

The impact on the field population is expected to be the converse of the reduction in the prison population. The offenders will continue to serve the full amount of the sentence but more of it will be on parole.

	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24
<u>Prison Population - Current Laws</u>									
Start of Year	1848	1802	1758	1715	1680	1668	1646	1640	1691
New Admissions	165	165	165	165	165	165	165	165	165
Releases - Current Inmates	211	209	208	200	177	187	171	114	94
Releases - New Admits	0	0	0	0	0	0	0	0	0
End of Year	1802	1758	1715	1680	1668	1646	1640	1691	1762
<u>Prison Population - Proposed Changes</u>									
Start of Year	1848	1522	1490	1576	1610	1518	1529	1588	1661
New Admissions	165	165	165	165	165	165	165	165	165
Returns - Past Releases	0	0	120	48	49	44	45	37	25
Releases - Current Inmates	491	197	199	179	186	150	102	85	61
Releases - New Admits	0	0	0	0	0	0	0	0	0
Discharges - Returns	0	0	0	0	120	48	49	44	45
End of Year	1522	1490	1576	1610	1518	1529	1588	1661	1745
<b>Difference - DAI</b>	<b>-280</b>	<b>-268</b>	<b>-139</b>	<b>-70</b>	<b>-150</b>	<b>-117</b>	<b>-52</b>	<b>-30</b>	<b>-17</b>
<b>Difference - P&amp;P</b>	<b>+280</b>	<b>+268</b>	<b>+139</b>	<b>+70</b>	<b>+150</b>	<b>+117</b>	<b>+52</b>	<b>+30</b>	<b>+17</b>

ASSUMPTION (continued)

The DOC would assume this legislation will result in long term cost avoidance as indicated below

	# to prison	Cost per year	Total Cost Prison - Savings	# to Probation & Parole	Cost per year	Total Cost Probation & Parole	Grand Total Prison and P&P - Savings
Year 1	280	\$6,105	\$1,709,400	(280)	\$2,453	(\$686,840)	\$852,133
Year 2	268	\$6,105	\$1,636,140	(268)	\$2,453	(\$657,404)	\$998,311
Year 3	139	\$6,105	\$848,595	(139)	\$2,453	(\$340,967)	\$528,136
Year 4	70	\$6,105	\$427,350	(70)	\$2,453	(\$171,710)	\$271,287
Year 5	150	\$6,105	\$915,750	(150)	\$2,453	(\$367,950)	\$592,956
Year 6	117	\$6,105	\$714,285	(117)	\$2,453	(\$287,001)	\$471,756
Year 7	52	\$6,105	\$317,460	(52)	\$2,453	(\$127,556)	\$213,863
Year 8	30	\$6,105	\$183,150	(30)	\$2,453	(\$73,590)	\$125,850
Year 9	17	\$6,105	\$103,785	(17)	\$2,453	\$41,701	\$72,741

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of Prosecution Services** assume the proposal would not fiscally impact their agency.

In response to a previous version of this proposal, officials from the **Office of the State Public Defender** assumed the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
---	---------------------	---------	---------

**GENERAL REVENUE FUND**

<u>Savings</u> - DOC - changes regarding the minimum sentencing requirements for certain felons	<u>\$852,133</u>	<u>\$998,311</u>	<u>\$528,136</u>
---	------------------	------------------	------------------

**ESTIMATED NET EFFECT TO THE  
GENERAL REVENUE FUND**

<u><b>\$852,133</b></u>	<u><b>\$998,311</b></u>	<u><b>\$528,136</b></u>
-------------------------	-------------------------	-------------------------

FISCAL IMPACT - Local Government

FY 2016  
(10 Mo.)

FY 2017

FY 2018

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

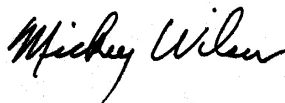
FISCAL DESCRIPTION

This bill specifies that any offender serving a sentence imposed on or after August 28, 1994, who has been convicted of the dangerous felonies of arson in the first degree, assault in the first degree, and robbery in the first degree and who is under the age of 70 and has no previous prison commitments with the Department of Corrections for any felony offense must serve at least 50% of the sentence imposed by the court.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Attorney General's Office  
Office of the State Public Defender  
Office of Prosecution Services



Mickey Wilson, CPA  
Director  
April 28, 2015

Ross Strope  
Assistant Director  
April 28, 2015